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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,319	01/26/2001	Aaron Haskal	WEBTW-55765	6699

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EXAMINER

STEVENS, ROBERTA A

ART UNIT	PAPER NUMBER
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2665

3

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,319

Applicant(s)

HASKAL, AARON

Examiner

Roberta A Stevens

Art Unit

2665

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2665

Claim Objections

1. Claim 14 is objected to because of the following informalities: Claim 14 is dependent on claim 14. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6 and 8-10, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu (U.S. 6434139 B1).
4. Regarding claim 1, Liu teaches (figure 2 and col. 5 – col. 6, lines 26) a communications system for transmitting voice data packets from a source system (30) to a destination system (6) over an IP packet-switched network (10) using a specified communication protocol, comprising: a source interface device (34) adapted to receive voice data packets of a specified format from the source system and to reformat voice data packets to a format compatible with the specified communication protocol; and a source gateway (22) adapted to receive the reformatted voice data packets from the source interface device and to route the packets over the IP packet-switched network to a destination gateway ((24); wherein the destination gateway is adapted to route the

Art Unit: 2665

reformatted packet to a destination interface device (14) adapted to reformat the packet to the specified format and to output the reformatted voice packet to the destination system (6).

5. Regarding claim 2, Liu teaches (column 5) the IP packet-switched data network comprises any of the public Internet and private data networks using one of Frame Relay, ATM, Ethernet, Gigabit Ethernet and DSL, as a transport technology and the specified communication protocol is TCP/IP.

6. Regarding claim 3, Liu teaches (column 5, line 1-19) the specified format comprises any of GSM, CDMA, TDMA, FDMA, AMPS and D-AMPS.

7. Regarding claims 4 and 10, Liu teaches (figure 2 and column 5 – col. 6, line 26) the source system comprises: a wireless source telephone (30) adapted to convert voice signals to voice data packets in the specified format, the packets including a data indicating call type (col. 5, lines 40-55); a source switching device (34) adapted to receive the data packets, to recognize the call type, and to forward the packets to the destination interface device only for a specified call type (col.5, lines 55-58).

8. Regarding claims 6 and 12, Liu teaches (figure 2 and column 5 – col. 6, line 26) a source transceiver/ base station (32) for transmitting the voice data packets from the wireless source telephone to the source switching device.

Art Unit: 2665

9. Regarding claim 8, Liu teaches (figure 2 and col. 5 – col. 6, lines 26) a method of transmitting voice data packets from a source system (30) to a destination system (6) over an IP packet-switched network (10) using a specified communication protocol, comprising: reformatting voice data packets, of a specified format, retrieved from the source system to a format compatible with the specified communications protocol; routing the reformatted voice data packets over the IP packet-switched network to a point near the destination system; reformatting the reformatted packets to the specified format; and routing the re-reformatted voice data to the destination system.

10. Regarding claim 9, Liu teaches (figure 2 and col. 5 – col. 6, lines 26) a communications system for transmitting voice data packets from a source system (30) to a destination system (6) over an IP packet-switched network (10) using a specified communication protocol, comprising: a source gateway (22) adapted to receive the voice data from the source system, to convert the voice data into voice data packets compatible with the specified communications protocol and to route the packets over the IP packet-switched network; and a destination gateway (24) adapted to receive the voice data packets from the source gateway over the IP packet-switched network, to convert the voice data packets into voice data and to route the voice data to the destination system.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2665

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being obvious over Liu.

13. As for a call type being local calls or long distant calls, it would have been obvious to one of ordinary skill in the art to adapt to Liu's system local or long distant as call types these features are well known in the art.

14. Claims 7 and 13-14 are rejected under 35 U.S.C. 103(a) as being obvious over Liu in view of the admitted prior art.

15. Regarding claims 7 and 13, as mentioned above Liu teaches all of the limitations of claim 1.

16. Liu does not teach the destination source comprising: a wireless destination telephone; a destination switching device and a destination transceiver/base station.

17. The admitted prior art does not teach receiving re-formatted data. Since Liu teaches communication between a wireless unit and a wired unit via the data network and the admitted prior art teaches communications between two wireless units without the data network, it would have been obvious to one of ordinary skill in the art to adapt to Liu's system the idea of wireless communication utilizing the VoIP concept of Liu to allow take advantage of VoIP in the mobile environment.

18. Regarding claim 14, the admitted prior art teaches destination transceiver/base station.

Art Unit: 2665

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alperovich (U.S. 6728215 B1), Shahdad (U.S. 6665291 B1), Sallherg (U.S. 6519252 B2), Farris (U.S. 6721306 B1), Csapo (U.S. 5910946) and Ash (U.S. 6590867 B1) are cited to show the state of the art.

20. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

23. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231 **or faxed to:** (703) 872-9306

For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

06-09-04


STEVEN NGUYEN
PRIMARY EXAMINER